

ORDINANCE NUMBER O- **20509** (NEW SERIES)

DATE OF FINAL PASSAGE JUL 10 2015

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6,
DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY
ADDING NEW SECTIONS 26.34 AND 26.35, ALL RELATING
TO ESTABLISHING THE ACCESSIBILITY ADVISORY
BOARD.

WHEREAS, Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability in all services, programs, and activities provided or made available by local or state governments; and

WHEREAS, under the ADA, an individual is considered to have a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities, has a record of an impairment, or is regarded as having an impairment; and

WHEREAS, the City of San Diego (City) complies with the ADA in various ways, including constructing accessible facilities, removing physical barriers, providing programmic access, and offering alternative forms of communications; and

WHEREAS, in 2009, former Mayor Jerry Sanders created the ad hoc Mayor's Committee on Disability (MCD), which received presentations and provided feedback and guidance to City staff on various accessibility projects, including architectural barrier removal, emergency preparedness planning, City Council policies, and other City endeavors affecting individuals with disabilities; and

WHEREAS, the MCD was staffed by the City Office of ADA Compliance and Accessibility, and met monthly for five years; and

WHEREAS, there is a continued need for individuals with disabilities to have a permanent, Council-approved mechanism to advise the City on policies and issues related to accessibility and compliance with related laws and regulations; and

WHEREAS, the Accessibility Advisory Board (AAB) will be composed of nine members, including five with expertise in the ADA or disabilities services, one professional in a tourist-serving industry, one Certified Access Specialist, and two members at large; and

WHEREAS, the AAB will have the same mission as the MCD: to advise the Mayor, Council, and the City on disability issues and compliance with the ADA as it applies to state and local governments, including issues of access to City buildings, programs, services, and activities; and

WHEREAS, the Council now wishes to establish the Accessibility Advisory Board as a permanent advisory board, pursuant to San Diego Charter section 43(a); NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 6, of the San Diego Municipal Code is hereby amended by adding new sections 26.34 and 26.35 to establish the Accessibility Advisory Board, to read as follows:

Article 6: Boards and Commissions

Division 00

§26.34 Accessibility Advisory Board

(a) Purpose and Intent

It is the purpose and intent of the Council to establish an Accessibility Advisory Board to serve as an advisory body to the Mayor and Council on policies and issues related to accessibility for persons with a disability and

on compliance with federal, state, and local disability and access codes, rules, regulations, and laws.

(b) Accessibility Advisory Board Established

There is hereby created an Accessibility Advisory Board to consist of nine members, who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. Board members shall be residents of the County of San Diego.

(c) Qualification of Members

Board members shall include five persons who have expertise in the Americans with Disabilities Act or disability services; two City-at-large members; one member with professional experience in a tourist-serving industry; and one member certified as a State of California Access Specialist under title 21, division 1, chapter 1, subchapter 2.5 of the California Code of Regulations.

(d) Terms.

- (1) Members shall serve two-year terms, and each member shall serve until a successor is duly appointed and confirmed. Members are limited to a maximum of eight consecutive years. Initial members shall be appointed such that the terms of not more than five members shall expire in any year so as to allow the terms to be staggered.
- (2) For the initial appointments, five members shall be appointed to an initial term that will expire June 30, 2017, and four members shall be appointed to an initial term that will expire June 30, 2016.

Initial appointments that are less than the full term of two years shall not have the initial term count for purposes of the eight-year term limit.

- (3) The expiration date of all terms shall be June 30. Any vacancy shall be filled for the remainder of the unexpired term.
- (4) Each June the Mayor may designate one member as Chairperson; however, in the absence of such designation, the Board shall, on or after July 1, select a Chairperson from among its members.

(e) Rules

The Board shall adopt rules consistent with the law for the government of its business and procedures.

§26.35 Duties and Functions

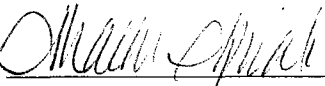
The Accessibility Advisory Board will:

- (1) Advise the Mayor and Council on policies and issues relating to accessibility.
- (2) Advise the Mayor and Council regarding City compliance with federal, state, and local disability and access codes, rules, regulations, and laws.
- (3) Make recommendations to the Mayor and Council for improving communications between the disabled community and City government.
- (4) Perform accessibility studies and surveys as requested by the Mayor or Council.
- (5) Provide an annual report to the Mayor and Council detailing the activities and recommendations of the Board.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:KSL:jdf:ccm
05/27/2015
Or.Dept:Office of ADA Compliance & Accessibility
Doc. No.: 1025528

I hereby certify that the following Ordinance was passed by the Council of the City of San Diego, at its meeting of JUN 23 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/8/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

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Division 00

§26.34 Accessibility Advisory Board

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§26.35

Duties and Functions

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SBS:KSL:jdf

05/27/15

Or.Dept: Office of ADA Compliance & Accessibility

Doc. No.: 1019751

Passed by the Council of The City of San Diego on JUN 23 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 10 2015.

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Mary Fernandez, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 09 2015

, and on JUL 10 2015.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By Mary Fernandez, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20509